

Senate File 2162 - Introduced

SENATE FILE 2162

BY McCOY

(COMPANION TO HF 2002 BY
SCHUELLER)

A BILL FOR

1 An Act relating to jurisdictional changes to small claims court
2 cases.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 631.1, subsection 1, unnumbered
2 paragraph 2, Code 2009, is amended to read as follows:

3 A civil action for a money judgment where the amount in
4 controversy is ~~four thousand dollars or less for actions~~
5 ~~commenced before July 1, 2002,~~ and five thousand dollars
6 or less for actions commenced ~~on or after~~ before July 1,
7 2002 2010, and ten thousand dollars or less for actions
8 commenced on or after July 1, 2010, exclusive of interest and
9 costs.

10 Sec. 2. Section 631.1, subsections 3, 4, 5, and 7, Code
11 2009, are amended to read as follows:

12 3. The district court sitting in small claims has concurrent
13 jurisdiction of an action of replevin if the value of the
14 property claimed is ~~four thousand dollars or less for actions~~
15 ~~commenced before July 1, 2002,~~ and five thousand dollars
16 or less for actions commenced ~~on or after~~ before July 1,
17 2002 2010, and ten thousand dollars or less for actions
18 commenced on or after July 1, 2010. When commenced under this
19 chapter, the action is a small claim for the purposes of this
20 chapter.

21 4. The district court sitting in small claims has concurrent
22 jurisdiction of motions and orders relating to executions
23 against personal property, including garnishments, where the
24 value of the property or garnisheed money involved is ~~four~~
25 ~~thousand dollars or less for actions commenced before July 1,~~
26 ~~2002,~~ and five thousand dollars or less for actions commenced
27 ~~on or after~~ before July 1, ~~2002~~ 2010, and ten thousand dollars
28 or less for actions commenced on or after July 1, 2010.

29 5. The district court sitting in small claims has concurrent
30 jurisdiction of an action for abandonment of a manufactured or
31 mobile home or personal property pursuant to section 555B.3,
32 if no money judgment is sought in excess of ~~four thousand~~
33 ~~dollars is sought for actions commenced before July 1, 2002,~~
34 and five thousand dollars or less for actions commenced ~~on~~
35 ~~or after~~ before July 1, ~~2002~~ 2010, and ten thousand dollars

1 or less for actions commenced on or after July 1, 2010. If
2 commenced under this chapter, the action is a small claim for
3 the purposes of this chapter.

4 7. The district court sitting in small claims has concurrent
5 jurisdiction of an action for the collection of taxes brought
6 by a county treasurer pursuant to sections 445.3 and 445.4
7 where the amount in controversy is five thousand dollars
8 or less for actions commenced ~~on or after~~ before July 1,
9 ~~2003~~ 2010, and ten thousand dollars or less for actions
10 commenced on or after July 1, 2010, exclusive of interest and
11 costs.

12 Sec. 3. JURISDICTIONAL AMOUNT REVERSION. The
13 jurisdictional amount in the sections of this Act which amend
14 section 631.1, shall revert to five thousand dollars if a court
15 of competent jurisdiction declares the ten thousand dollar
16 amount unconstitutional.

17 EXPLANATION

18 This bill makes jurisdictional changes to small claims
19 court cases. The bill provides that a small claims court case
20 commenced on or after July 1, 2010, shall not involve damages
21 or value in excess of \$10,000. Under existing law, a small
22 claims court case shall not involve damages or value in excess
23 of \$5,000. The bill further provides that the jurisdictional
24 amount shall revert to \$5,000 if a court finds the \$10,000
25 amount unconstitutional. By increasing the jurisdictional
26 amount for small claims court the bill expands the jurisdiction
27 of a magistrate or district associate judge to hear and
28 assess judgment on certain actions, including county and city
29 violations.